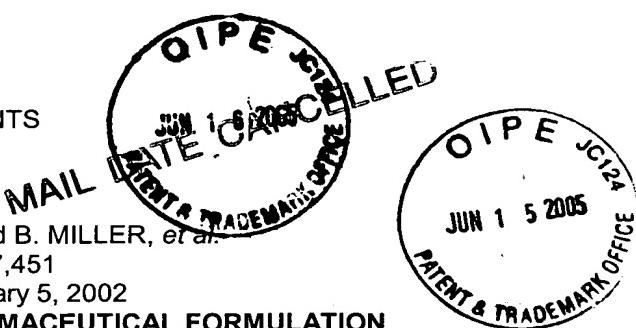


FORM PTO-1083  
MAIL STOP: AF  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

In re application of: Ronald B. MILLER, et al.  
Serial No.: 10/067,451  
Filed: February 5, 2002  
For: PHARMACEUTICAL FORMULATION



Docket No. 222.1101CON  
Date: June 13, 2005

Sir:

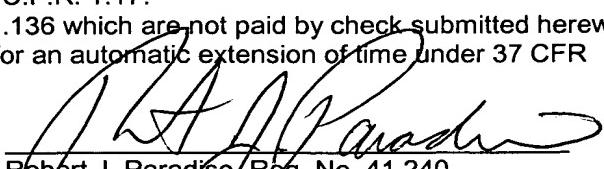
Transmitted herewith is a **Response** transmittal in the above-identified application.

- [ ] Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
[ ] Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
 No fee for additional claims is required.  
[ ] A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY		
FOR:	REMAINING	HIGHEST	AFTER	PREVIOUSLY	PRESENT		RATE	Fee	
			AMENDMENT	PAID FOR	EXTRA				
TOTAL CLAIMS	23 Minus 25	=		0		x \$ 9 \$			
INDEP. CLAIMS	2 Minus 2	=		0		x \$ 42 \$			
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$140	\$				+ \$280 \$
						TOTAL: \$		OR	TOTAL: \$

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- Also transmitted herewith are:  
 Petition for 3 month extension under 37 C.F.R. 1.136  
 Other: Notice of Appeal
- Check(s) in the amount of **\$1,520.00** is/are attached to cover:  
 Filing fee for additional claims under 37 C.F.R. 1.16  
 Petition fee for 3 month extension under 37 C.F.R. 1.136  
 Other: Notice of Appeal
- The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
 Any patent application processing fees under 37 C.F.R. 1.17.  
 Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
Robert J. Paradiso, Reg. No. 41,240  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
Tel: (212) 736-1940  
Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on June 13, 2005.  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
Guendoline Decosta